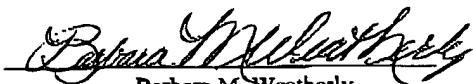


#14/2-11-03

PATENT
Docket No. 299002051800
Client Ref. F5-0036823/00R00553/US/END

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Barbara M. Weatherly

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Yoshihiro UETA et al.

Serial No.: 09/759,312

Filing Date: January 12, 2001

For: NITRIDE COMPOUND
SEMICONDUCTOR LIGHT
EMITTING DEVICE AND METHOD
FOR PRODUCING THE SAME

Examiner: S. Mulpuri

Group Art Unit: 2812

INTERVIEW SUMMARY

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Assistant Commissioner for Patents
Washington, D.C. 20231

JAN 23 2003

TECHNOLOGY CENTER 2800

Dear Sir:

Applicant appreciates the opportunity to discuss the final Office Action with the Examiner.

In the interview, Applicant's attorney discussed the content of the final Office Action mailed on November 1, 2002 (Paper No. 11) and the Supplemental final Office Action faxed on January 15, 2003 (Paper No. 12), as well as whether the finality of the final Office Action was proper.

Applicant's attorney discussed with the Examiner that the final Office Action and supplemental final Office Action fail to address any of the limitations of claims 1-6 or address

Applicant's arguments in the previously filed amendment submitted September 20, 2002. The final Office Action addressed only claims 8-11, and the supplemental final Office Action was altered to refer to claims 1-11. However, the arguments in support thereof remained directed only to claims 8-11. Applicant's attorney expressed that there is no clear record of the statement of grounds for the rejection to claims 1-6 for which the Applicant can readily respond.

Further, Applicant's attorney discussed that the finality of the Office Action was in error under MPEP 706.07(a) because the rejection included newly cited art against claims 1-6 which were not amended by the Applicant. In particular, newly cited art Zauner et al. was now applied to claims 1-11 in combination with Kimura (U.S. 6,201,823) and Yuge et al. (U.S. 6,030,848). In the previous non-final Office Action of March 20, 2002, only Kimura was applied against claims 1-6. Applicant's attorney discussed that claims 1-6 were not amended by Applicant and the finality of the rejection is premature under MPEP 706.07(a).

Applicant requested the issuance of a newly issued non-final Office Action fully addressing claims 1-6 and 8-11. Further, Applicant requested that the reply period be restarted. The Examiner indicated she would fax Applicant's attorney an action on Monday January 27, 2003 regarding this issue. The Examiner further indicated she would consult with a supervising or special Examiner as to whether a non-final Office Action or a second supplemental Office Action was more appropriate.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 299002051800. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: January 23, 2003

By: 

Christopher B. Eide
Registration No. 48,375

Morrison & Foerster LLP
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Telephone: (650) 813-5720
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From: Christopher B. Eide
Registration No.: 48,375

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Comments:

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ATTORNEY DOCKET NO.: 299002051800
GROUP ART UNIT: 2812
EXAMINER: S. Mulpuri
SERIAL NO.: 09/759,312
FILING DATE: January 12, 2001
INVENTOR(S): Yoshihiro UETA et al.
TITLE: NITRIDE COMPOUND SEMICONDUCTOR LIGHT
EMITTING DEVICE AND METHOD FOR PRODUCING
THE SAME

Documents Attached:

- Transmittal - 1 page
- Interview Summary - 3 pages

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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<ul style="list-style-type: none"> • Facsimile Cover Sheet
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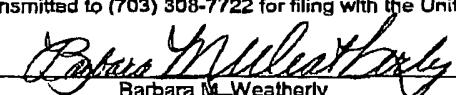
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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018 Christopher B. Eide, Registration No. 48,375
Signature	
Date	January 23, 2003

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Barbara M. Weatherly

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